

**Knobbe Martens Olson & Bear LLP**  
*Intellectual Property Law*

**RECEIVED  
CENTRAL FAX CENTER**

**SEP 23 2005**

2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-9502  
[www.kmob.com](http://www.kmob.com)

**Facsimile Transmittal Sheet**

ORIGINAL WILL NOT FOLLOW

**Confidentiality Notice:**

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Examiner Vivek Natarajan  
 USPTO FACSIMILE NO.: (571) 273-8300  
 USPTO REFERENCE: Applicants: Abdul-Hafiz et al.  
     Serial No.: 10/632,012  
     Filed: July 31, 2003  
     Title: LOW NOISE OPTICAL HOUSING  
 ATTORNEY: John M. Grover  
 PHONE No.: (949) 721-2946  
 ATTORNEY DOCKET No.: MASIMO.339A  
 TOTAL PAGES: 4 (INCLUDING COVER SHEET)  
 OPERATOR: Lisa Sierra  
 DATE: September 23, 2005

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number: (949) 760-0404

Direct Line to Machine: (949) 760-9502

MESSAGE: *Attached for filing in the above-referenced application are:*

- TRANSMITTAL LETTER IN 2 PAGES
- RESPONSE TO RESTRICTION  
REQUIREMENT OF AUGUST 29, 2005 IN  
2 PAGES

1952199  
092305

*San Diego*

*San Francisco*

*Los Angeles*

*Riverside*

*San Luis Obispo*

Docket No.: MASIMO.339A

Page 1 of 1

Please Direct All Correspondence to Customer Number 20995

## AMENDMENT / RESPONSE TRANSMITTAL

RECEIVED  
CENTRAL FAX CENTER

Appl. No. : 10/632,012  
 Applicants : Abdul-Hafiz et al.  
 Filed : July 31, 2003  
 TC/A.U. : 3736  
 Examiner : Vivek Natarajan  
 Title : LOW NOISE OPTICAL  
           HOUSING  
 Docket No. : MASIMO.339A  
 Customer No. : 20,995

Confirmation No.: 9340

SEP 23 2005

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below:

September 23, 2005

(Date)

John M. Grover, Reg. No. 42,610

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) a Response to Restriction Requirement of August 29, 2005 in 2 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Excess Claims > 20	16 - 39 = 0	1202 (\$50)	0 x 50 =	\$0
Independent > 3	3 - 7 = 0	1201 (\$200)	0 x 200 =	\$0
Multiple Claim	1.16(j)	1203 (\$360)		\$0
			<b>TOTAL FEE DUE</b>	<b>\$0</b>

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410

John M. Grover  
 Registration No. 42,610  
 Attorney of Record  
 Customer No. 20,995  
 (949) 760-0404

1951885/092305

**RECEIVED**  
**CENTRAL FAX CENTER**

MASIMO.339A

SEP 23 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/632,012  
 Applicants : Abdul-Hafiz et al.  
 Filed : July 31, 2003  
 TC/A.U. : 3736  
 Examiner : Vivek Natarajan  
 Title : LOW NOISE OPTICAL  
           HOUSING  
 Docket No. : MASIMO.339A  
 Customer No. : 20,995

Confirmation No.: 9340

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below:

September 23, 2005  
 (Date)

John M. Grover, Reg. No. 42,610

RESPONSE TO RESTRICTION REQUIREMENT OF AUGUST 29, 2005

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Restriction Requirement mailed August 29, 2005. The Examiner has required restriction to one of the following inventions:

- I) Claims 1-20, drawn to an optical housing apparatus and method classified in class 600, subclass 310;
- II) Claims 21-36, drawn to sensor circuit and method classified in class 600, subclass 310; and
- III) Claims 37-39, drawn to a sensor, classified in class 600, subclass 344.

While the Applicants make no representation regarding the groupings of claims or whether such claims are properly restrictable under the rules, in an effort to progress the examination of the present application, the Applicants respectfully elect without

Applicants : **Abdul-Hafiz et al.**  
Filed : **July 31, 2003**

traverse to prosecute Claims 21-36 (Group II). Please withdraw Claims 1-20 and 37-39 without prejudice or disclaimer.

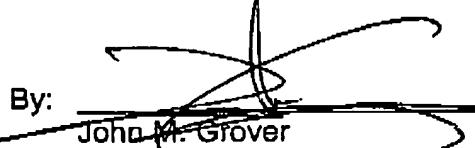
The Applicants reserve the right to pursue the nonelected claims in one or more continuing or divisional applications.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 23, 2005

By: 

John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

1951438  
092305